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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,090	01/02/2004	Robert Culbert	S002-P03047US	1316
33356	7590	10/14/2005		
SoCAL IP LAW GROUP LLP 310 N. WESTLAKE BLVD. STE 120 WESTLAKE VILLAGE, CA 91362			EXAMINER TSIDULKO, MARK	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/751,090		CULBERT ET AL.	
	Examiner		Art Unit	
	Mark Tsidulko		2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-10, 12, 14-18, 21 and 26-30 is/are allowed.
- 6) ☒ Claim(s) 1-4, 11, 13, 19, 20 and 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>010204</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The submission of amendment filed on 9/21/2005 is acknowledged. At this point claims 1, 6-10, 12, 14-18, 21, 23, 26-30 have been amended, claim 5 has been canceled and the remaining claims left unchanged. Thus, claims 1-4,6-30 are at issue in the instant application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 5, 11, 13, 19, 20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russel et al. (US 2004/0161371).

Referring to Claim 1 Russel et al. disclose (Figs.2-4) an apparatus for radiation lamp including:

- a housing [24] providing mechanical support;
- a socket ([16]+[20]+[22]) attached to the housing with screws [31] and having an electrical contacts [46] electrically connected to a power supply [23];
- a lamp [14] having a single wall envelop [14a], a base [15b] attached to the envelop, a vaporizable material sealed in the envelop (page 4, [0045]), an

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electrodes [8] and [9] disposed in the envelop, the electrical contacts [17] attached to the base and electrically connected to the electrodes, whereby the lamp is mechanically supported by the socket.

- a cover [18] made of material resistant to a liquid (page 3, [0043]), having a cavity that surrounding the base and the socket (playing role of a first and a second sections), the inner surface (surface of the cavity) surrounding the electrical contact of the socket and the electrical contact of the base, an outer surface of the cover [18] shields the electrical contacts of the socket and the base.

Referring to Claims 4, 20 Russel et al. disclose a germicidal lamp (col.3, [0042]).

Referring to Claim 11, 19 since Russel et al. disclose that the air is passing through the conduit, it is understood, that a water condensate from the air could be in a contact with the parts of the device.

Referring to Claim 13 since Russel et al. disclose (Figs.2-4A) a cover [18] made of material resistant to a liquid (page 3, [0043]), having a cavity (not indicated by number) that surrounding the base and the socket (playing role of first and second sections), the inner surface (surface of the cavity) surrounding the electrical contact of the socket and the electrical contact of the base, an outer surface of the cover [18] shields the electrical contacts of the socket and the base.

Referring to Claim 22 since Russel et al. disclose (Fig.4) a four-pin socket. It is understood that the condensate may be composed from a water and an oil, in this case the cover must be made of oil and water resistant material.

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It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the cover made of water and oil resistant material, in order to obtain good environmental resistance.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russel et al. (US 2004/0161371) in view of Snowball (US 4,762,613).

Russel et al. discloses the instant claimed invention except for a power source disposed in the housing.

Snowball discloses (Fig.1) a water purifier wherein a power source [24] is disposed in the housing [2]. Providing the power source maximum close to the power consumer, allow decrease the length of the wiring and obtain a compact device.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the power source disposed in the housing, as taught by Snowball, for the device of Russel et al., in order to obtain a compact device.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russel et al. (US 2004/0161371) in view of Chen et al. (US 6,580,228).

Russel et al. discloses the instant claimed invention except for a power source disposed inside of the base.

Chen et al. disclose a power source disposed inside of the base of the lamp (col.3, lines 6,7).

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It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the power source disposed inside of the base of the lamp of the device of Russel et al., as taught by Chen et al., in order to decrease the size of the device.

Claims 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russel et al., Snowball and Chen et al. These references in a combination disclose structure of the device but do not disclose a process for providing environmental resistance to a germicidal system. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to take the steps of apparatus above and provide a process for providing environmental resistance since a prior art of record teaches or suggests a means of environmental resistance.

Referring to Claim 23 positioning a cavity of the cover which play role of a first and a second sections around the base of the lamp and a socket of the device, positioning electrical contact of the base with electrical contact of the socket, whereby the cover shields the electrical contacts of the base and the socket.

Referring to Claim 24 positioning the base to engage the socket.

Referring to Claim 25 positioning the cover to surround the base and the socket.

Allowable Subject Matter

Claims 6-10, 12, 14-18, 21, 26-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

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Referring to Claims 6, 12 the prior art of record fails to show a resistant lamp system wherein the first section partially abuts the base.

Referring to Claims 7, 9 the prior art of record fails to show a resistant lamp system wherein the first section partially interlocks with the base.

Referring to Claims 8, 10 the prior art of record fails to show a resistant lamp system wherein the first section partially seals to the base.

Referring to Claim 14 the prior art of record fails to show a resistant cover wherein a cross section of the inner surface fits with an outer cross section of the base.

Referring to Claims 15, 17, 21 the prior art of record fails to show a resistant cover wherein a cross section of the inner surface interlocks with an outer cross section of the base.

Referring to Claims 16, 18 the prior art of record fails to show a resistant cover wherein a cross section of the inner surface seals to the outer cross section of the base.

Referring to Claims 26, 29, 30 the prior art of record fails to show a resistant lamp system wherein the cover partially abuts the base.

Referring to Claim 27 the prior art of record fails to show a resistant lamp system wherein the cover partially interlocks with the base.

Referring to Claim 28 the prior art of record fails to show a resistant lamp system wherein the cover partially seals to the base.

Response to Arguments

Applicant's arguments filed 9/21/2005 have been fully considered but they are not persuasive.

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Applicant argues that the duct [24] of Russell is not housing.

In response, the duck is play role of housing since it supports and houses the device [14].

Applicant argues that the socket is not a combination of details [16], [20] and [22] (Fig.2 of Russell).

In response, the Examiner would like to direct Applicant's attention to the fact, that these parts in assemble, create one detail, as clearly shown on Figs.2 and 4). Pins [33] (see Fig.9) are connected to the holes of the compression nut [22], which is connected to the socket [20] by pins [17] and attached by screws [55]. Thus, parts [16], [20] and [22] create one-piece socket assemble.

Applicant argues that the opening [19] is not adapted to receive the socket.

In response, the Examiner would like to direct Applicant's attention to the fact, that Figs.1-4 absolutely clearly show that the socket is fully covered by the opening [19] of the boot [18].

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.
October 6, 2005



JOHN ANTHONY WARD
PRIMARY EXAMINER